

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 IO-14 ACDA-19 NIC-01 SAJ-01 OMB-01 CIEP-03

DRC-01 /141 W

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P 241200Z AUG 74

FM USMISSION BERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC PRIORITY 3859

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L BERLIN 1454

E.O. 11652: GDS

TAGS: PGOV, WB, UR, GW

SUBJECT: SOVIET PROTEST ON NATIONALITY LAW

REF: BERLIN 1429

1. FOLLOWING DRAFT RESPONSE TO SOVIET PORTEST REPORTED REFTEL
HAS BEEN CIRCULATED TO BRITISH AND FRENCH MISSIONS WITH PLEA
FOR EARLY AGREEMENT:

BEGIN TEXT: IN YOUR DISCUSSION WITH THE CHAIRMAN ALLIED
POLITICAL ADVISER AUGUST 21 THE SOVIET SIDE RAISED THE DRAFT
FRG "LAW ON CONSULAR OFFICIALS, THEIR DUTIES AND COMPETENCE."
I AM AUTHORIZED BY MY COLLEAGUES TO MAKE THE FOLLOWING OB-
SERVATIONS:

THE ALLIED AUTHORITIES WILL CAREFULLY REVIEW THE DRAFT
LEGISLATION IN QUESTION IF IT IS PROPOSED TO ADOPT IT IN
BERLIN BY THE MANTELGESETZ PROCEDURE. THIS REVIEW, WHICH WILL
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FOLLOW ESTABLISHED PROCEDURES, WILL NATURALLY TAKE INTO ACCOUNT

THE NECESSITY OF MAINTAINING UNIMPAIRED RELEVANT ALLIED RIGHT AND RESPONSIBILITIES. IT SHOULD BE NOTED, HOWEVER, THAT THE MERE FACT THAT A LAW DEALS WITH SUCH SUBJECTS AS THE FUNCTIONS AND RESPONSIBILITIES OF FEDERAL GERMAN CONSULAR OFFICIALS IN NOW WAY IMPLIES THAT ISSUES OF SECURITY OR STATUS ARE THEREBY RAISED. THE ALLIED AUTHORITIES LONG AGO AUTHORIZED THE FEDERAL GOVERNMENT TO PROVIDE THE NORMAL RANGE OF CONSULAR SERVICES TO WEST BERLIN AND ITS RESIDENTS. THE SOVIET UNION STATED IN THE QUADRIPARTITE AGREEMENT OF SEPTEMBER 3, 1971 THAT "PROVIDED THAT MATTERS OF SECURITY AND STATUS ARE NOT AFFECTED, FOR ITS PART IT WILL RAISE NO OBJECTION TO: (A) THE PERFORMANCE BY THE FEDERAL REPUBLIC OF GERMANY OF CONSULAR SERVICES FOR PERMANENT RESIDENTS OF THE WESTERN SECTORS OF BERLIN." NOTHING THEREIN CONSTRAINS THE FEDERAL GOVERNMENT AND A RECEIVING STATE FROM AGREEING TO THE EXERCISE BY THE FEDERAL GOVERNMENT OF THE NORMAL RANGE OF CONSULAR SERVICES WITH RESPECT TO THE WESTERN SECTORS AND ITS RESIDENTS. THE DRAFT LEGISLATION IN QUESTION EXPRESSLY REQUIRES THAT FEDERAL GERMAN CONSULAR OFFICERS ACT IN ACCORDANCE WITH THE LAW OF THE RECEIVING STATE AND ANY RELEVANT AGREEMENTS BETWEEN THE FEDERAL GOVERNMENT AND THAT RECEIVING STATE.

WITH REFERENCE TO THE QUESTIONS RAISED IN YOUR COMMENTS OF AUGUST 21 AS TO THE PROPRIETY IN THE DRAFT LEGISLATION OF THE PHRASE "LAND BERLIN" AND OF CERTAIN TERMINOLOGY RESPECTING NATIONALITY, WE WOULD REFER THE SOVIET SIDE TO THE MANY PREVIOUS DISCUSSIONS ON THESE SUBJECTS IN WHICH THE ALLIED POINT OF VIEW HAS BEEN MADE CLEAR. END TEXT(KLEIN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, DIPLOMATIC PROTESTS, CONSULAR AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974BERLIN01454
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740234-0862
From: BERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740820/aaaaaqxr.tel
Line Count: 88
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: BERLIN 1429
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 29 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 APR 2002 by boyleja>; APPROVED <04 MAR 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SOVIET PROTEST ON NATIONALITY LAW
TAGS: PGOV, WB, UR, GE
To: BONN
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005